



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning & Development
Department No.: 053
For Agenda Of: January 14, 2020
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Lisa Plowman, Director, Planning and Development
Director (805) 568-2086
Contact Info: Travis Seawards, Deputy Director, Planning and Development
(805) 568-2518
SUBJECT: Public Convenience or Necessity Determination for Casa Dorinda, Case No. 19PCN-00000-00002, First Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: No

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Chair to sign the attached letter (Attachment 1) and forward the application (Attachment 2) and letter to the California Department of Alcohol Beverage Control (ABC) determining that public convenience and necessity will be served by issuing the new "On-Sale Beer and Wine for Public Premises" license to Casa Dorinda, APN 009-640-014, located at 300 Hot Springs Road, Montecito; and
- b) Determine that the proposed action is an administrative activity of the County, which will not result in direct or indirect physical changes in the environment and is therefore not a "project" as defined for purposes of the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15378(b)(5).

Summary Text:

On October 29, 2019, Planning and Development (P&D) received a request (ABC-245 Form) for a Public Convenience or Necessity (PCN) determination at the Casa Dorinda retirement community at 300 Hot Springs Road, in Montecito. The requested Type-57 Special On-Sale General license would authorize the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. P&D staff has reviewed the applicant's request, and recommends that the Board find that public convenience and necessity is served by Alcoholic Beverage Control (ABC) approval and issuance of the "On-Sale Beer and Wine for Public Premises" license in this location, based on the information provided in the Background discussion below. A transmittal letter indicating the finding of public convenience, and ABC-245 Form, are attached for the Board's consideration of public convenience or necessity.

Background:

The requested license is a Type-57 Special On-Sale General license, which is defined as follows:

Generally issued to certain organizations who cannot qualify for club licenses. Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guests only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.

The approval of this request would allow Casa Dorinda to sell beer and wine as described above. The subject application is for 300 Hot Springs Road in Montecito, which is located in Census Tract 14.02. This census tract contains approximately 3,242 people and encompasses a 1.9 square mile area. The census tract extends roughly east to west from Sheffield Drive to Hot Springs Road, and north to south from East Valley Road to the Pacific Ocean. Census Tract 14.02 includes portions of coastal and inland Montecito.

The Department of Alcoholic Beverage Control (ABC) establishes a threshold for the number of licenses, including Type 57 licenses, issued in each census tract in order to control the concentration of establishments granted licenses for the sale of alcohol for consumption on the premises where sold (classified as "On-Sale" licenses). [Bus. & Prof. Code § 23816]. The threshold is the ratio derived from the number of on-sale licenses County-wide compared to the County's total population. Any census tract that exceeds the threshold for on-sale retail licenses is deemed a census tract of "undue concentration." Census Tract 14.02 has a population of approximately 3,242, and is allowed 6 on-sale licenses (per the ABC Census Tract Authorizations "All Counties" report). There are currently 22 existing on-sale licenses within Census Tract 14.02. Therefore, pursuant to ABC standards, undue concentration exists in Census Tract 14.02.

Undue concentration may also be deemed to exist if "*the applicant premises are located in a crime reporting district that has a 20 percent greater number of reported crimes ... than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.*" [Bus. & Prof. Code § 23958.4(a)(1).] According to the Santa Barbara County Sheriff's Office, the property is not in a reporting district that has a 20 percent greater number of reported crimes than the average number of reported crimes in the jurisdictional area. In addition, the Sherriff's Office indicated that the Department has no concerns with this request.

When a census tract is subject to an undue concentration of on-sale licenses, Business and Professions Code Section 23958.4(b) provides that ABC may issue a license if the local governing body (County Board of Supervisors) “*determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.*” If the Board of Supervisors (BOS) does not make a determination within the 90-day period, then the ABC may issue a license if the applicant shows the department that public convenience or necessity would be served by the issuance. In this particular case, the applicant submitted a complete application on October 29, 2019 and a determination on January 14, 2020 would be within the 90-day period.

The following table summarizes and defines the number of on-sale licenses in Census Tract 14.02:

On-Sale Licenses in Census Tract 14.02 (Per the California ABC License Query System)		
ABC License Type	Definition	Number
Type 41	On-Sale Beer & Wine – Eating Place – (Restaurants). Authorizes the sale of beer and wine for consumption on or off the premises where sold.	9 Examples: Sakana Japanese, Khao Kaeng, Renaud’s, Jeannines
Type 42	On-Sale Beer & Wine – Public Premises – (Bar, Tavern). Authorizes the sale of beer and wine for consumption on or off the premises where sold.	2 Examples: The Wine & Liquor Grotto, Montecito Inn
Type 47	On-Sale General – Eating Place - Authorizes the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises.	10 Examples: Bettina, Tre Lune, Oliver’s, Cava Restaurant, The Honor Bar
Type 86	Instructional Tasting License - Allows the tasting of beer, wine and/or distilled spirits at off-sale licensed premises. The quantity and number of tastings that may be offered to consumers is limited.	1 Example: Vons
Total	-----	22

Within the subject census tract, the majority (86%) of establishments with an on-sale license are eating places or private clubs, and no on-sale licenses are Type 57. As stated in the letter from the applicant (Attachment 3), the Bar & Grill at Casa Dorinda would sell wine, beer and spirits to residents and their guests. The property is not located within a census tract of undue concentration due to crime levels, and the requested license would serve public convenience by providing a retirement community with limited mobility options a location for residents and their guests to purchase alcohol for on and off-site consumption. Therefore, it is recommended that the Board determine that public convenience will be served by issuing the new Type-57 Special On-Sale General license to Casa Dorinda in Montecito.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

There is no fee to the applicant for the processing of a Public Convenience or Necessity request. The total estimated cost to process this request is approximately \$1,500 (6 staff hours), and is budgeted in the Planning and Development Permitting Budget Program on page D-269 of the adopted FY 2019-20 fiscal year budget. There are no facilities impacts.

Special Instructions:

The Clerk of the Board shall obtain the signature of the Chair of the Board of Supervisors and send the executed letter and application to: Department of Alcohol Beverage Control, Attention Melissa Rice, 1000 South Hill Road, Suite 310, Ventura, CA 93003.

The Clerk of the Board shall forward copies of the signed Board of Supervisors Letter to State Department of Alcohol Beverage Control and the Minute Order to P&D, Attn: David Villalobos and to P&D, Attn: Ciara Ristig.

Attachments:

1. Board of Supervisors letter to State Department of Alcohol Beverage Control
2. Alcohol Beverage Control Form ABC 245
3. Letter from Applicant, dated October 17, 2019
4. CEQA Notice of Exemption

Authored by:

Ciara Ristig, Planner